

APPEAL NO. 020840
FILED MAY 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 4, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____; that the carrier timely disputed the compensability of the alleged injury; and that the claimant did not have disability. On appeal, the claimant contends that the compensability and disability determinations are against the great weight and preponderance of the evidence, and that the "hearing officer used inappropriate standards in determining that the claimant did not suffer a compensable injury." The respondent (carrier) urges affirmance.

DECISION

Affirmed.

Whether a claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We have reviewed the complained-of matters and conclude that the hearing officer's decision is supported by sufficient evidence.

In the Statement of the Evidence portion of the hearing officer's decision, he explains that the "evidence is not sufficiently persuasive to bear the Claimant's burden as to either the existence or the severity of the claimed injury." The claimant contends that this statement, specifically the "sufficiently persuasive" language, reflects that the hearing officer used an inappropriate standard in determining that the claimant did not sustain a compensable injury. We do not agree. The 1989 Act only requires a hearing officer to make findings of fact and conclusions of law, and state whether benefits are due and, if so, award benefits. Texas Workers' Compensation Commission Appeal No. 93791, decided October 18, 1993. A statement of evidence, if made, only needs to reasonably reflect the record. We do not agree that the hearing officer's explanation, which is contained in the Statement of the Evidence and Discussion, for determining that the claimant did not sustain a compensable injury, in any way reflects that he "impermissibly added to the Claimant's burden."

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Michael B. McShane
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Roy L. Warren
Appeals Judge